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EXAMINER
SEYE, ABDOU K

ART UNIT	PAPER NUMBER
2194	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *18 January 2007*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-24* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-24* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *01 August 2003* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   The amendment filed on January 18, 2007 has been received and entered. Claims 1-

2,10-11 and 16-24 have been amended .The currently pending claims considered below are

Claims 1-24.

Claim Rejections - 35 USC § 102

2.The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that forms
the basis for the rejections under this section made in this Office action:
     A person shall be entitled to a patent unless -

     (e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent granted
on an application for patent by another filed in the United States before the invention by the applicant for
patent, except that an international application filed under the treaty defined in section 351(a) shall have
the effects for purposes of this subsection of an application filed in the United States only if the
international application designated the United States and was published under Article 21(2) of such
treaty in the English language.

3. Claims 1-4, 10-13, and 17-20- are rejected under 35 U.S.C. 102(e) as being

anticipated by **Chheda (US 20030231586).**

Claims 1, 10 and 17 Chheda teaches a computer implemented method system and

product for transmitting data related to a game application between mobile devices, the

method comprising:

          initiating a gaming session between a first mobile device and a second mobile

device for communicating the data (Fig. 3 paragraph 30; Fig. 9 paragraph 63);

providing a first transport configured to communicate the data, wherein the first

transport has a first transport protocol (Fig. 1 paragraph 19; Fig. 3, paragraph 32; RC1

first transport protocol; paragraph 34);

providing a second transport configured to communicate the data, wherein the

second transport has a second transport protocol (Fig. 1 paragraph 19; Fig. 3,

paragraph 32; RC2 second transport protocol; paragraph 34);

determining whether a the first transport protocol corresponds to an optimal

transport protocol for transmitting the data (Fig. 1 paragraph19 and 23; Fig. 9 paragraph

63);

switching the first transport protocol to the second transport protocol when a

determination is made that the second transport protocol is the optimal transport

protocol(Fig. 9, paragraph 63; altering the transport protocol at step 204);

transmitting the data according to the first transport protocol when the first transport

protocol corresponds to the optimal transport protocol (Fig 9a; selecting RC3 protocol

for transmitting the data); and

transmitting the data according to the second transport protocol when the second

transport protocol corresponds to the optimal transport protocol (Fig. 9a; selecting RC4

protocol for transmitting the data).

Claims 2 and 11: Chheda teaches,

selecting an initial transport protocol from the transport protocols available on a first

mobile device (Fig. 9, selecting RC3);

transmitting address information corresponding to the first mobile device (Fig. 3

paragraph 34; identifying user 72 and 74 by a unique code);

Transmitting game information corresponding to a first game application (Fig. 3

paragraph 34; transmit voice communication); and

Receiving an acknowledgment of transmitted address information and game

information from the second mobile device at the first mobile device, wherein the

acknowledgement includes address information corresponding to the second mobile

device (paragraph 30; registering mobile device 72 to MSC 70 in Fig. 3).

Claims 3 : Chheda further teaches,

wherein the address information includes at least one of a group comprising an IP

address identifier, an e-mail address, a SMS identifier, a phone number, Bluetooth

permissions, and profile information corresponding to one of the first mobile device and

the second mobile device (Fig. 3 paragraph 34; a unique ID code given to each device

72 and 74).

Claims 4,12 and 20: Chheda teaches,

wherein the optimal transport protocol is determined according to selected parameters

that includes at least one of a group comprising immediate availability, transmission

rate, and cost effectiveness (Fig. 8 paragraph 58 and 59).

As per claim 18, it is rejected for the reasons as claim 2 and 11 above.

As per claim 19, it is rejected for the reasons as claim 3 above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness
rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

5. Claims 5-9, 13-16 and 21-24 are rejected under 35 U.S.C. 103 (a) as being

unpatentable over **Chheda (US 20030231586)** in view of **brosnan et al (US 6682423)**.

Claims 5-6, 13-14 and 21-22: Chheda teaches a computer implemented method

system and product for transmitting data between two or more mobile devices through

many different protocols as in claims 1, 10 and 17 above, but he does not explicitly

discloses establishing connection type session such as socket and packet based

connection.

However, in the same field of endeavor, data transmission between two or more

devices connected to a network Brosnan teaches a TCP/IP network based

communication protocol (col. 7, lines 50-55) which required Sockets that are sort of

like PBX phone systems, where the IP address is the phone number, and the port is

the extension therefore every paired (connected) socket has a source IP/port and a destination IP/port; and further more he also discloses a network packed based connection for gaming machine related data (col. 11, lines 44-67). It would be obvious to one having ordinary skill in the art at the time the invention was made to modify Chheda 's invention with Brosnan's invention, because it would allow organization and protection of the data. One would have been motivated to use socket-based and packet-based network protocols in order to include routing capabiltie, efficient swithing practices, gateway functions and firewall functionality that controls packet traffic within a network and provide virus protection (Brosnan , col. 12, lines 37-52).

Claims 7-9, 15-16 and 23-24: Chheda teaches a computer implemented method system and product for transmitting data between two or more mobile devices as in claims 1, 10 and 17 above, but he does not explicitly discloses: determining that the gaming session is incomplete (game in progress) when additional data related to the game application is to be transmitted between the first mobile device and the second mobile device; receiving additional data from the second mobile device according to another optimal ; wherein receiving additional data further comprises: monitoring for the additional data to be transmitted across a transport protocol; notifying a game subsystem when the additional data is received; notifying the game application of the new data when the game subsystem is notified; and retrieving the data to the game application to further game play protocol that is determined by the second mobile device.

However, in the same field of endeavor, data transmission between two or more

devices connected to a network Brosnan teaches,

determining that the gaming session is incomplete (game in progress) when additional

data related to the game application is to be transmitted between the first mobile

device and the second mobile device (col. 6, lines 37-46; col.7, lines 64-67 and col. 8,

lines 1-22; progressive server 72 in Figure 1A); receiving additional data from the

second mobile device according to another optimal protocol that is determined by the

second mobile device (col. 6, lines 37-46; col.7, lines 64-67 and col. 8, lines 1-22;

progressive server 72 in Figure 1A); wherein receiving additional data further

comprises: monitoring for the additional data to be transmitted across a transport

protocol; notifying a game subsystem when the additional data is received; notifying

the game application of the new data when the game subsystem is notified; and

retrieving the data to the game application to further game play (col. 6, lines 37-46;

col.7, lines 64-67 and col. 8, lines 1-22; col. 12, lines 1-15; progressive server 72 in

Figure 1A ;tracking server 73 including messages). It would be obvious to one having

ordinary skill in the art at the time the invention was made to modify Chheda 's

invention with Brosnan's invention, because it would allow to improve the

communication extensibilty. One would have been motivated to use progressive server

unit and tracking server unit within a gaming network in order to more efficiently

transfer gaming information(Brosnan , col. 23, lines 60-67 and col. 24, lines 1-5).

Response to Arguments

6. Applicant's arguments with respect to claims 1,10,17 and dependent claims 2-9, 11-

16 and 18-24 have been considered but are moot in view of the new ground(s) of

rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

 Balog et al(20020022453). discloses a dynamic protocol selection and

routing of content to mobile devices.

 Inderieden et al(200400006640). discloses a notification to routing

protocols of changes to routing information base.

 DiCecco et al (5452287). discloses a method of negotiation of protocols,

classes, and options in computer and communication networks providing mixed packet,

frame, cell, and circuit services.

 Applicant's amendment necessitated the new ground(s) of rejection presented in this Office

action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

 A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until

after the end of the THREE-MONTH shortened statutory period, then the shortened statutory

period will expire on the date the advisory action is mailed, and any extension fee pursuant to

37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of

this final action.

AKS
March 19, 2007